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VIA HAND DELIVERY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 09/841,777
Laosheng Peng

Received

Application No. 09/841,777

Group Art Unit: 2171

JAN 18 2002

Filed: April 24, 2001

Examiner: To be assigned

Technology Center 2100

For: APPARATUS AND METHODS FOR
INTELLIGENTLY CACHING
APPLICATIONS AND DATA ON A
GATEWAY

Attorney Docket No.: 10480-013-999

**REQUEST UNDER 37 C.F.R. § 1.36 AND §10.40(c)
FOR WITHDRAWAL OF ATTORNEY**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is hereby requested that the attorneys who have appeared in the above-identified patent application, and whose names appear below, be permitted to withdraw as attorneys in accordance with 37 C.F.R. §§ 1.36 and 10.40(c). It is respectfully requested that this Request be approved for the reasons stated herein.

The undersigned attorney has authorization and submits this Request on behalf of the following individuals:

S. Leslie Misrock (Reg. No. 18872), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A.

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REMARKS

The Commissioner usually requires that there be "at least thirty days between approval of the withdrawal and the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 C.F.R. § 1.136(a)." M.P.E.P. § 402.06. In the present application, to the best knowledge of the undersigned, there is no outstanding paper from the Patent and Trademark Office to which a reply is due. In view of the foregoing, the attorneys requesting withdrawal respectfully request approval of the present petition to withdraw at once.

The facts that support this request for withdrawal are as set forth below.

The instant application names Luosheng Peng as the inventor.

Our client, a corporate entity known as DoOnGo Technologies, Inc. (hereinafter referred to as "Client"), retained the undersigned, *inter alia*, to prepare and prosecute the instant application. The instant application was filed on April 24, 2001, with an executed Power of Attorney which named the attorneys herein, *i.e.*, those individuals now requesting withdrawal. The instant application was assigned to DoOnGo Technologies, Inc. by assignment of the inventor recorded at Reel 011772, Frame 0495 on April 24, 2001.

Pursuant to 37 C.F.R. § 1.36, an attorney or agent may withdraw upon application to and approval by the Commissioner. Further, 37 C.F.R. § 10.40(a) states that a practitioner shall not withdraw without permission from the United States Patent and Trademark Office until the practitioner has taken reasonable steps to avoid foreseeable prejudice to the rights of the client, including giving due notice to the client, allowing time for employment of another practitioner, delivering to the client all papers and property to which the client is entitled, and complying with applicable laws and rules. Under 37 C.F.R. § 10.40(c), permissive withdrawal is permitted, *inter alia*, when the client has failed to pay one or more bills for an unreasonable period of time.

The undersigned and the attorneys named herein are seeking permissive withdrawal under 37 C.F.R. § 10.40(c), for failure to pay one or more bills, rendered by the undersigned, for an unreasonable period of time. Client has been and is presently in arrears for several invoices dating back to February 12, 2001. To date, Client has accumulated an unpaid balance of \$85,360.31. On or about October 5, 2001, Client's account was turned over to a collection agency in attempt to secure payment of the outstanding balance. As shown above, Client has failed for an unreasonable period of time to pay for professional services rendered in connection with the instant application. The payment policy of the attorneys requesting withdrawal is that all statements are due when rendered. No credit is given. Therefore, it is unreasonable to fail to pay for bills that are due when payable.

Throughout the prosecution of the present application, Client has been provided with copies of all papers filed on their behalf by the undersigned attorneys, and all papers issued by the Patent and Trademark Office in connection with the above-identified application. In addition, the original prosecution file for the instant application will be shipped to Mr. Steven Artim, Chief Executive Officer of Client, at the Client (2065 Martin Avenue, Suite 108, Santa Clara, CA 95050) by overnight courier upon approval of this

Request. Mr. Artim will be notified of this shipment by certified mail in advance. Thus, we request a change in the correspondence address to the address of the client, which is 2065 Martin Avenue, Suite 108, Santa Clara, CA 95050.

Client has been advised of the undersigned's intent to withdraw by letter dated October 19, 2001. The undersigned attorney is providing a copy of this Request to Client. As shown above, reasonable steps have been taken to avoid foreseeable prejudice to the rights of the Client, owner of the application.

CONCLUSION

For the foregoing reasons, this Request to Withdraw meets the criteria of 37 C.F.R. §§ 1.36 and 10.40(c) and should be approved. In sum, Client has failed to pay one or more bills for an unreasonable period of time; and in accordance with 37 C.F.R. § 10.40(a), Client has been given due notice of the withdrawal; will receive copies of all papers and property to which it is entitled; and has been given sufficient time to employ another practitioner.

It is respectfully requested that this Request to Withdraw be granted at the earliest convenience of the United States Patent and Trademark Office, and in any event, no later than February 1, 2002.

As required, an original and two copies of this Request are being filed herewith. No fee is believed to be due in connection with filing of the instant request. However, if a fee is due, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date January 17, 2002

Thomas E. Friebe

Thomas E. Friebe

by Helen Quinn
REG. NO. 40,203
29,258

(Reg. No.)

PENNIE & EDMONDS LLP
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Enclosure (two copies of this request)